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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,467

07/11/2003

Brian V. Jenkins

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49459

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11/09/2007

NALCO COMPANY

1601 W. DIEHL ROAD

NAPERVILLE, IL 60563-1198

EXAMINER

MCKANE, ELIZABETH L

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

11/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/617,467

Applicant(s)

JENKINS ET AL.

Examiner

Leigh McKane

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US 6,762,832) in view of Rao et al. (US 5,278,074) and Jenkins et al. (US 5,922,606).

Fisher et al. teaches the inclusion of a corrosion inhibitor, particularly an aromatic triazole such as benzotriazole and tolytriazole, in aqueous systems including treatment baths for copper-containing semiconductors or circuits. See col.3, lines 12-28. The concentration of corrosion inhibitor present is monitored by a UV spectroscopic system and feedback control is actuated based on the monitored concentration. See col.8, lines 7-10. Flow-through sample cells are provided at a plurality of locations in the aqueous system with pump and valve means being provided for the controlled introduction of fluids and corrosion inhibiting solutions based on the monitored concentrations. Sampling from the system can be performed continuously. Precise control of the desired concentration of the corrosion inhibitor is achieved with the monitoring and feedback control disclosed.

Rao et al. teaches substituting a fluorometric monitoring system for spectroscopic systems used to monitor corrosion inhibitor concentrations in copper-containing aqueous systems -- those inhibitors preferably including aromatic azoles such as benzotriazole and tolytriazole.

Rao et al. teaches that azoles are inherently fluorescent and that a fluorescent monitoring system is more accurate and more effective than spectroscopic system whose radiation acts to degrade the corrosion inhibiting composition, and thus provides more accurately controlled dosing of the inhibitor. Monitoring with the fluorescent system can occur either intermittently or continuously. Rao et al. further teaches the provision of a sidestream from the aqueous system being monitored and pump and valve means to actuate the responsive dosage control. See col. 1, lines 11-51; col. 5, line 55 through col. 6, line 21; and col. 11, lines 10-30.

Jenkins et al. teaches the well-recognized dependence of fluorescence on both temperature and pH in systems providing chemical analysis based on fluorescence. See col. 4, lines 1-10. Jenkins et al. also discloses use of the fluorescence system in an ultrapure water bath (col.11, line 1) and a continuous flow of the water being tested through a fluorometer flow cell. See col. 11, lines 26-31.

It would have been obvious to one of ordinary skill in the art to substitute the fluorescent measurement/monitoring system of Rao et al. for the spectroscopic monitoring system of Fisher et al. since Rao et al. discloses that the fluorescent system does not degrade the preferred corrosion inhibitors and in fact, utilizes their inherent characteristics for more accurate concentration readings.

It would further have been obvious to provide means to compensate for measured temperature and pH in the system to optimize the accuracy of the fluorescence measurement, in view of the known and expected dependence of fluorescence on both temperature and pH, as disclosed by Jenkins et al..

Moreover, one would have found it obvious to apply the method of the combination using continuous water flow through the flow cell, as taught by Jenkins et al., in order to achieve real-time results. It is noted that Fisher et al. expressly desires real-time measurements.

With respect to claims 4-6 specifically, both references teach application and monitoring of the inhibitor having concentration within the instantly claimed ranges. See col. 11, lines 54-56 of Rao et al., and col. 7, lines 50-55 of Fisher et al..

### ***Response to Arguments***

3. Applicant's arguments filed 4 September 2007 have been fully considered but they are not persuasive.
4. Applicant argues that the measurement systems of Fisher et al. and Rao et al. fail to teach flowing the water continuously through the flow cell. However, this aspect of the invention is evidenced by the tertiary reference, Jenkins et al..

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Friday (5:30 am-2:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**Leigh McKane**  
**Primary Examiner**  
**Art Unit 1797**

elm  
2 November 2007